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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,704	07/09/2003	Wesley Scott	2189-P03242US00	9733

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EXAMINER

CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

571

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,704	<b>Applicant(s)</b> SCOTT ET AL.	
	<b>Examiner</b> Daniel C Crane	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-32 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/17/03</u> | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3725

## **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Inferentially claiming the “nicking” operation renders the subject matter indefinite. As to claim 29 and 30, these claims are dependent upon themselves. The scope of the subject matter is indeterminate and therefore, the claimed subject matter has been examined as best understood.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1, 4, 9, 24, 25 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Archer (4,773,284). Archer shows a bending machine having a feeder 62 (see column 2, lines 28-39), a bending tool 38 and a support surface 50. See column 4, lines 47-49, with reference to claim 9.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284). Archer teaches that a printing implement (column 4, lines 23-28) can be provided to label the workpiece. To further have located the printer prior to the bending unit would have been obvious to the skilled artisan at the time of the invention so as to eliminate the need to label the product but rather label the workpiece.

Claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Tyler (5,461,893). Archer recognizes that the bending device can be provided with "dereeling" means (see the paragraph bridging columns 2 and 3). Tyler makes evident that a dereeling device 2 can be reversible (see the paragraph bridging columns 7 and 8). While Tyler does not show that the dereeling device is a turntable, such is considered equivalent since Tyler's rolls 2 support the inner periphery of the coiled material in a similar manner to a turntable support. Furthermore, it is noted that reversible turntables are widely known in the manufacturing arts. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Archer's dereeling device by providing reversible means to the dereeling mechanism so as to facilitate reeling material.

Claim 5, 6, 13-19, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Romanov (3,845,650). Archer provides a linear feeder (column 2, lines 28-39) but does not indicate the type of linear actuator. Screw linear actuators are known as taught by Romanov at 44 that facilitate accurate and precise feed of the workpiece. It would have been obvious to the skilled artisan at the time of the invention to have modified Archer's linear feeder by using a screw feeder as taught by Romanov for the noted motivation. Further, to provide Archer with a heating unit as taught by Romanov at 53 would have been obvious so as to facilitate bending. As to claim 17, making a product "adjustable", per se, is a known feature. Accordingly, providing adjustment features to Romanov's induction heater 53 would have been obvious so as to accommodate various different parameters, i.e., workpiece size, speed of feed, etc. With reference to claim 18, the circular configuration of the heating implement 53 surrounds the workpiece in a "guiding" manner.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Nordlof (4,594,872). It would have been obvious to the skilled artisan at the time of the invention to have modified Archer's straightener (column 4, lines 47-49) by using a straightener as taught by Nordlof where the straightener contains rollers mounted in an insert type arrangement 35 with an adjustability feature 41 and a hinged lid 22, 31, thus, facilitating ease of use and variation in amount of straightening.

Claims 20, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Mizukawa (6,158,264). Archer does not show a "nicking" or

Art Unit: 3725

cutting implement. Mizukawa shows this to be well known in the art at 8 where male/female cutting dies are providing for nicking the material thus providing a cutout along one side of the material. It would have been obvious to the skilled artisan at the time of the invention to have modified Archer's bending machine by further providing a nicking machine as taught by Mizukawa so as to provide a cutout on the blade. A plurality of nicking or cutting forms are known for the purpose of replacing the punches for repair or for exchange of different cutting forms. See Yamada (6,487,887) where the cutting dies 21, 22 (see Figure 13) can be replaced.

Claim 22, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Mizukawa (6,158,264) and Romanov (3,845,650). Archer does not show a "nicking" or cutting implement. Mizukawa shows this to be well known in the art at 8 where male/female cutting features providing for nicking the material thus providing a cutout along one side of the material. It would have been obvious to the skilled artisan at the time of the invention to have modified Archer's bending machine by further providing a nicking machine as taught by Mizukawa so as to provide a cutout on the blade. Further, to provide Archer with a heating unit as taught by Romanov at 53 would have been obvious so as to facilitate bending.

Claims 7 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (4,773,284) in view of Bota (6,378,184). Archer does not show any cleaning or lubricating system. These systems are well known for the purpose of cleaning and lubricating the material for bending. Accordingly, it would have been obvious to the skilled artisan at the time of the

Art Unit: 3725

invention to have modified Archer's bending machine for cutting dies by providing a lubricating system to spray lubricant on the workpiece as taught by Bota at 102 so as to lubricate the workpiece prior to shaping.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

#### **INQUIRIES**

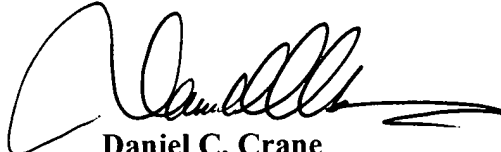
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516.

Art Unit: 3725

The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4416**.

DCCrane  
March 25, 2005



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725